

**UTILITY PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

**Certificate of Mailing**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated below and is addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Attorney Docket No.

0077.04

First Inventor

Linda S. Thomashow et al.

Title

Sequences Encoding PhzO and Methods

Express Mail No.

EF 246300700 US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status  
See 37 CFR 1.27
3. ☒ Copy of Parent Specification [Total Pages 83 ]  
(preferred arrangement set forth below)
- Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R&D
  - Reference to Sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawings(s) (35 U.S.C. 113) [Total Sheets 5 ]
5. Oath or Declaration [Total Pages 3 ]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)
- i. ☐ Deletion of Inventor(s)  
Signed Statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)  
**Request for Transfer of Previously Filed Sequence Listing**
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ Paper as filed 09/27/2001
- c. ☒ Statement verifying identity of above copies  
as filed 09/27/2001

**ACCOMPANYING APPLICATION PARTS**

9. ☒ Copy of Recorded Assignment from parent application
10. ☐ 37 CFR 3.73(b) Statement [X] Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure [ ] Copies of IDS Citation  
Statement (IDS)/PTO-1449
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i).  
Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Copy of Declaration of Deposit of Biological Material.  
NRRL Deposit Receipts and Viability Statements. Copy of Pierson III  
and Thomashow, Molecular Plant-Microbe Interactions 5:330-339,  
1992

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

[ ] Continuation [X] Divisional [ ] Continuation-in-part (CIP) of prior application No.: 09/965,175

Prior application information: Examiner: Charles L. Patterson Jr. Art Unit: 1652

For CONTINUATION OR DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☒ Customer Number: 25278

Name (Print/Type)

Margaret A. Connor

Registration No.

30,043

Signature

Margaret A. Connor

Date:

March 26, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL

## FY04

Effective 10/01/2003. Patent fees are subject to annual revision.

FEE TRANSMITTAL FY04				Complete if Known	
				Application Number	
				Filing Date	
				First Named Inventor	
				Examiner Name	
Effective 10/01/2003. Patent fees are subject to annual revision.				Linda S. Thomashow et al.	
Total Amount of Payment		\$ 770.00		Attorney Docket No.	
METHOD OF PAYMENT		FEE CALCULATION		0077.04	
The Commissioner is hereby authorized to charge any fees set forth in CFR §§ 1.116 to 1.118 to the Deposit Account listed below for the entire pendency of the application, or credit any overpayment to this account. A duplicate copy of this sheet is enclosed: Deposit Account No. 50-2135 Deposit Account Name: USDA, ARS, OTT Patent Advisor				3. ADDITIONAL FEES	
				Large Entity: Code Fee (\$) Fee Description Fee Paid 1051 130 Surcharge-Late filing fee or oath 1052 50 Surcharge-late provisional filing fee or cover sheet 1053 130 Non-English Specification 1812 2,520 For filing a request for <i>ex parte</i> reexamination 1804 920* Requesting publication of SIR prior to Examiner action 1805 1,840* Requesting publication of SIR after Examiner action 1251 110 Extension for reply within first month 1252 420 Extension for reply within second month 1253 950 Extension for reply within third month 1254 1,480 Extension for reply within fourth month 1255 2,010 Extension for reply within fifth month 1401 330 Notice of Appeal 1402 330 Filing a brief in support of an appeal 1403 290 Request for oral hearing 1451 1,510 Petition to institute a public use proceeding 1452 110 Petition to revive – unavoidable 1453 1,330 Petition to revive – unintentional 1501 1,330 Utility issue fee (or reissue) 1502 480 Design issue fee 1503 640 Plant issue fee 1460 130 Petitions to the Commissioner 1807 50 Processing fee under 37 CFR 1.17(q) 1806 180 Submission of Information Disclosure Statement 8021 40 Recording each patent assignment per property (times number of properties) 1809 770 Filing a submission after final rejection (37 CFR 1.129(a)) 1810 770 For each additional invention to be examined (37 CFR 1.129(b)) 1801 770 Request for Continued Examination (RCE) 1802 900 Request for expedited examination of a design application Other fee (specify): * Reduced by basic filing fee paid	
FEE CALCULATION				Subtotal (3) \$	
1. BASIC FILING FEE Large Entity: Code Fee (\$) Fee Description Fee Paid 1001 770 Utility Filing Fee 770.00 1002 340 Design Filing Fee 1003 530 Plant Filing Fee 1004 770 Reissue Filing Fee 1005 160 Provisional Filing Fee Subtotal (1) \$ 770.00					
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE Extra Fee Fee Paid Claims Total Claims 2 -20** = X = Independent Claims 2 -3** = X = Multiple Dependent = Large Entity: Code Fee (\$) Fee Description 1202 18 Claims in excess of 20 1201 86 Independent claims in excess of 3 1203 290 Multiple dependent claim, if not paid 1204 86 **Reissue independent claims over original patent 1205 18 ** Reissue claims in excess of 20 and over original patent Subtotal (2) \$					
SUBMITTED BY					
Name (Print/Type): Margaret A. Connor		Registration No. 30,043		Telephone: 510-559-6067 or 510-527-1418	
Signature: Margaret A. Connor				Date: March 26, 2004	

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.